

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

KEITH R. GOMEZ,

Petitioner,

v.

RON HAYNES,

Respondent.

CASE NO. C20-5108 BHS

ORDER ADOPTING REPORT  
AND RECOMMENDATION

This matter comes before the Court on the Report and Recommendation (“R&R”) of the Honorable Brian A. Tsuchida, United States Magistrate Judge, Dkt. 13, and Petitioner Keith Gomez’s objections to the R&R, Dkt. 14.

On November 4, 2020, Judge Tsuchida issued the R&R recommending that the Court dismiss the habeas petition because it is untimely and barred by the statute of limitations and because it is a second or successive habeas petition. Dkt. 13. On November 12, 2020, Gomez filed objections. Dkt. 14.

The district judge must determine de novo any part of the magistrate judge’s disposition that has been properly objected to. The district judge may accept, reject, or

1 modify the recommended disposition; receive further evidence; or return the matter to the  
2 magistrate judge with instructions. Fed. R. Civ. P. 72(b)(3).

3 Here, Gomez objects to the R&R's finding that his § 2254 petition is a second or  
4 successive habeas petition but fails to identify any error in the R&R. Instead, he repeats  
5 the same arguments that Judge Tsuchida considered and rejected in the R&R. Based on  
6 the thorough and detailed R&R, the Court concludes that Gomez has failed to establish  
7 any right to federal habeas relief. The Court having considered the R&R, Petitioner's  
8 objections, and the remaining record, does hereby find and order as follows:

- 9 (1) The R&R is **ADOPTED**;
- 10 (2) Petition is **DENIED**;
- 11 (3) Certificate of Appealability is **DENIED**; and
- 12 (4) The Clerk shall enter a JUDGMENT and close the case.

13 Dated this 9th day of December, 2020.

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16 BENJAMIN H. SETTLE  
United States District Judge

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